

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MAX N. LAFFERTY,

Defendant.

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CASE NO. 8:12CR329

**ORDER**

This matter is before the court on the motion of defendant, Max N. Lafferty, to determine competency (Filing No. 17). The court has received and judicially notes the Bureau of Prisons' Forensic Report stating that Mr. Lafferty is presently incompetent and recommending commitment under 18 U.S.C. § 4241(d).

A competency hearing was held in this matter on May 22, 2013, pursuant to 18 U.S.C. § 4247(d). Present were Defendant's counsel, Assistant Federal Public Defender Jeffrey L. Thomas, and Assistant U.S. Attorney Frederick D. Franklin. No other evidence was presented.

There being no evidence to the contrary, the court finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. Pursuant to 18 U.S.C. § 4241(d)(1):

**IT IS ORDERED** that the defendant, Max N. Lafferty, is committed to the custody of the Attorney General who shall hospitalize the defendant in a suitable facility for such a reasonable period of time, not to exceed four months, as is necessary to determine

whether there is substantial probability that in the foreseeable future he will attain the capacity to permit these proceedings to go forward.

DATED this 22<sup>nd</sup> day of May, 2013.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge